

## **VEHICLE FORFEITURE**

### **Policy**

It shall be the policy of the New Mexico Department of Game and Fish to seize all vehicles and subject said vehicles to forfeiture, when involved in violations of 17-2-31 N.M.S.A., 1978 Compilation. Vehicles seized shall be in or coming from known deer or elk habitat or in possession of any big game. Seizure and forfeiture proceedings will be in accordance with 17-2-20.1 and 17-2-20.2 NMSA 1978 Compilation.

### **Procedures**

The following are step-by-step procedures to be followed by officers in the event of seizing and potential forfeiture of vehicles used by individuals violating 17-2-31 N.M.S.A., 1978 Compilation.

#### **ARRESTING OFFICER**

1. Establish probable cause of a violation of 17-2-31, N.M.S.A., 1978 Compilation.
2. Verify all elements of the crime in accordance with 17-2-31 N.M.S.A., 1978 Compilation
3. Secure all accused violators of 17-2-31, N.M.S.A., 1978 Compilation, in such a manner as to provide the individual accused with the greatest protection and affording the Officers with the maximum safety.
4. Establish ownership of the vehicle used in the violation of 17-2-31, N.M.S.A., 1978 Compilation.
5. Make arrangements to transport the accused violators to the nearest area where they and the Officers can be afforded a reasonable degree of safety. Anyone not arrested or cited in lieu of arrest, can be transported only after receiving their written consent (or their parent's or legal guardian's consent) on a Department

approved waiver.

6. Make arrangements to move the vehicle to the nearest secure temporary holding facility.
7. Inventory the contents of the vehicle in the presence of the accused violator if possible.
  - a. Any contraband found during the inventory will be seized as evidence and turned over to the appropriate law enforcement agency.

#### VEHICLE FORFEITURES

1. As soon as possible, the arresting officer will contact his immediate supervisor or the appropriate District Wildlife Supervisor and advise him of the incident.
2. As soon as possible, the arresting officer or his supervisor will contact the Assistant Chief of Area Operations, in the appropriate area, and provide him with all pertinent information about the seizure and vehicle.
3. A written incident report and vehicle inventory will be submitted to the appropriate Assistant Chief of Area Operations within five (5) working days, then forwarded to the Law Enforcement Division.
4. The Arresting Officer or his immediate supervisor will be reasonably available to return to the defendant, all items not susceptible to seizure or items not to be used as evidence.

#### ASSISTANT CHIEF OF AREA OPERATIONS

1. Will arrange for the movement of the seized vehicles from a temporary place of storage to a central holding facility.

2. Will check the vehicle through the New Mexico Motor Vehicle Division to verify ownership, and lien holder.
3. Will verify the amount of the lien on any seized vehicles.
4. Will contact the Law Enforcement Division and provide them with all pertinent information about the vehicle.

#### LAW ENFORCEMENT DIVISION

1. Review the incident reports and vehicle seizure reports. Make a decision on disposition of the vehicle in conjunction with an appropriate attorney.
2. Prepare the forfeiture proceeding and present it to the appropriate District Attorney.

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